

CENTRAL ADMINISTRATIVE TRIBUNAL : PRINCIPAL BENCH

O.A.NO.1255/95

New Delhi this the 23rd day of May, 1996.

Hon'ble Mr.A.V.Haridasan, Vice Chairman(J) (S)

Hon'ble Mr.R.K.Ahooja, Member(A)

Mam Chand,  
S/o late Shri Masadi Ram,  
C/o Sh.Ashok Kumar,  
H.No.603, Delhi Administration  
Quarters, Type I,  
Gulabi Bagh, Delhi

.....Applicant

(By Advocate Shri M.L. Sharma)

Versus

1. Union of India, through  
Secretary,  
Department of Atomic Energy,  
South Block,  
New Delhi

2. Director,  
Department of Atomic Energy A.M.D.  
(Atomic Minerals Division) Complex,  
Begumpet,  
Hyderabad(Andhra Pradesh)

3. Regional Director,  
Northern Region,  
A.M.D.(Atomic Mineral Division)  
Department, West Block VII,  
R.K. Puram,  
New Delhi

.....Respondents

(By Advocate Shri Madhav Panikar)

ORDER(Oral)

(Hon'ble Mr.A.V.Haridasan, Vice Chairman(J))

The applicant who commenced his career under respondent No.3 in June, 1976 as a Casual/daily rated helper was elevated as Casual/Monthly daily rated semi skilled Workcharged worker with effect from 26.06.1978. With effect from December, 1990 the

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applicant has been working under respondent No.2 as Helper 'A' in the pay scale of Rs.750-940. His grievance is that since he has been continuously working for the last nearly two decades, his services has not been regularised as yet though, several persons junior to him had been regularly appointed. Therefore, the applicant has filed this application praying that the respondents may be directed to regularise his services with effect from the due date with consequential benefits.

2. The respondents resists the claim of the applicant on the ground that he did not posses the required educational qualification of a pass in the Third standard and he is also above the age limit for appointment to that post.

3. We have perused the pleadings in this case and heard the learned counsels of both sides. The respondents have stated that even at the time when the applicant was initially engaged as a Casual/daily rated helper, he was beyond the age limit but was given relaxation for engagement. They admit that the applicant has continuously worked without break after his engagement but say he is not entitled to be appointed on a Group 'D' post as he does not fulfil the requisite educational qualification. Since, the services of the applicant has been taken by the respondents for a major part of his active life, we are of the view that the respondents should consider the relaxation in regard to the age and the educational qualification since the applicant has been <sup>Salvifadously</sup> performing duties of the post on which he has been working. The fact that the respondents have engaged him as Casual/daily rated helper at a time when he was overaged and knowing that he did not fulfil the educational

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qualification to be regularly appointed, shows that the respondents have relaxed these qualifications in his case. Therefore, there should not be any difficulty for respondents now to consider relaxation for regular appointment also.

4. In this conspectus of facts and circumstances we dispose of this application with a direction to the respondents to consider the regularisation of the applicant on a Group 'D' post with effect from the date on which a person junior to him as daily rated helper was regularised, invoking the powers of relaxation in regard to upper age limit and educational qualifications in the rules. An order in this regard shall be passed by the concerned respondent within a period of three months. No costs.

  
(R.K. Ahooja)  
Member(A)

  
(A.V. Haridasan)  
Vice Chairman(J)

/Kant/